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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/121,300      07/23/98      KANIA      B      3295-0024-00

022850      QM12/0804  
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EXAMINER

WILLSE, D

ART UNIT

PAPER NUMBER

DATE MAILED:

3738/4

08/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.  
09/121,300

Applicant(s)  
KANIA

Examiner  
Dave Willse

Group Art Unit  
3738



☒ Responsive to communication(s) filed on May 25, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 69-74 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 69-74 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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The abstract of the disclosure is objected to because it should be more descriptive of the subject matter covered by the technical disclosure (M.P.E.P. 608.01(b)).

In the present claims which involve the term "optional", two (or more) embodiments are covered: one (or more) *with* and one *without* the additional or optional limitation(s). Attention is directed to *Ex parte Cordova*, 10 USPQ2d 1949, and *Ex parte Wu*, 10 USPQ2d 2031.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 70 and 71 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lecante, FR 2 581 859 A1. Regarding claim 71, the "see-through window" is deemed to be one of the spaces between the cradles 1 and 2 and the stirrup 12.

Claims 69 and 74 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ihle et al., DE 43 21 182 C1. Regarding claim 69, the elastomeric knitted padding section 11 contributes to variable thickness cushioning at portions of the liner.

Claim 69 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 64-32861 A (2-2-1989).

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Claims 70 and 72 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Beldzisky, EP 0 086 147 A1.


Claims 69, 73, and 74 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Norvell, US 5,480,455: column 4, lines 50-57; column 5, lines 13-17 and 37-40.

Claims 71 and 74 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Laghi, US 5,443,525.

Claims 69-72 and 74 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Helmy, US 5,593,454. In regard to claim 71, numerous see-through windows are defined between strands 30 and 32 of mesh 28 because the soft elastomeric material for sleeve 10 "should preferably be transparent to permit direct observation of the stump" (column 3, lines 27-34).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse, whose telephone number is (703) 308-2903. The supervisory patent examiner is Vincent Millin, whose telephone number is (703) 308-1065. The receptionist's phone number is (703) 308-0858, and the main FAX numbers are (703) 305-3591, 3590.

dhw: D. Willse  
August 2, 2000

  
**DAVE WILLSE**  
**PRIMARY EXAMINER**  
**ART UNIT 3738**